

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

MONTY ALLEN SNAIR and
JAMIE L. SNAIR,

Plaintiff,

v.

SPEEDWAY LLC,

Defendant.

: CIVIL DIVISION
:
:
: Civil Action No.:
:
: *Electronically Filed*
:
:

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Speedway LLC asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about September 18, 2018 in the Court of Common Pleas of Venango County, Pennsylvania, against Defendant, Speedway LLC. (A true and correct copy of the Complaint is attached hereto as Exhibit "A".)

2. Speedway LLC is a limited liability corporation formed in Delaware with a principle place of business in Enon, Ohio.

3. Plaintiffs served Defendant with a copy of the Complaint via certified mail on October 3, 2018. (A true and correct copy Service of Process Transmittal is attached hereto as Exhibit "B".)

4. Defendant believes that at the time this action was initially commenced, and at the current time, Plaintiffs were residents of Jefferson County, Pennsylvania. (Complaint, Exhibit "A", ¶ 1).

5. The Complaint seeks an award in excess of the arbitration limits of Venango County (\$35,000), but no specific sum is demanded in the Complaint.

6. Among other injuries, it is understood that Plaintiff-Husband claims damages for a serious injury to his back, which has required surgical procedures, injections, and physical therapy. Specifically, Plaintiff-Husband claims, among other things, stenosis of the lumbar and cervical spine, anterolisthesis of L5 on L6 (S1), sciatica, radiculopathy, and several bulging discs. (Exhibit A, ¶ 12.) Plaintiff-Wife seeks damages for loss of consortium.

7. Based on the claims of alleged injuries and damages as plead by Plaintiff, the amount in controversy is in excess of \$75,000.00.

8. This Notice of Removal is filed within thirty (30) days after Defendant, Speedway LLC, was served with a copy of Plaintiffs' Complaint on October 3, 2018, which apprised this Defendant of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiffs on September 18, 2018 by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

9. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant Speedway LLC requests that this action now pending in the Court of Common Pleas of Venango County at Docket No. 1032-2018 be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: 10/24/2018

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